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INTERNATIONAL TRADE REGULATION

Volume 3

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Professors Andrew Green and Michael Trebilcock

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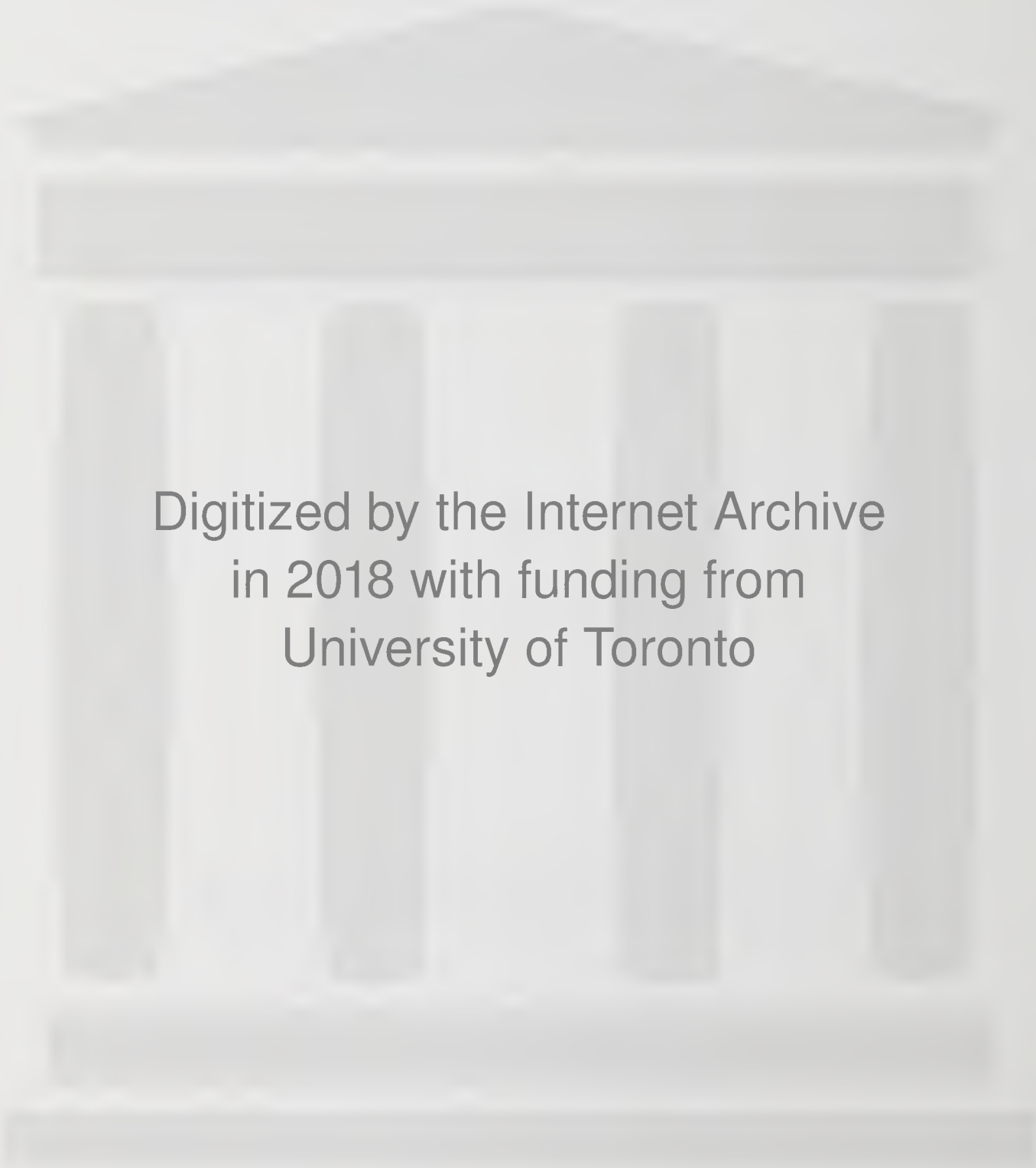
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VOLUME 1

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Michael J. Trebilcock and Robert Howse, *Regulation of International Trade*, 3d ed., (London and New York: Routledge, 2005), Chapter 1

Joost Pauwelyn, "The Transformation of World Trade" 104 *Michigan Law Review* (2005): 1-65. 1

Michael Trebilcock, "Searching for Hope: The Countries that Globalization Has Left Behind" (2008) 46 *Canadian Business Law Journal*: 184-98. 66

David S. Christy Jr., "The Problems Facing the Doha Development Agenda" (2008) 8 *Global Economy Journal*: 1367-98. 74

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Trebilcock and Howse, Chapter 4

Kara Leitner and Simon Lester, "WTO Dispute Settlement 1995-2007: A Statistical Analysis," 11 *Journal of International Economic Law* (2008): 179-92. 85

WTO, "Understanding on Rules and Procedures Governing the Settlement of Disputes," in *The WTO Dispute Settlement Procedures* (Geneva: World Trade Organization, August 1995) 99

WTO, "Historic Development of the WTO Dispute Settlement System," in *A Handbook on the WTO Dispute Settlement System* (Cambridge: WTO/Cambridge University Press, 2004), 12-16. 119

3) Non-Discrimination: The Most Favoured Nation Principle

Trebilcock and Howse, Chapters 2 and 6

WTO, *European Communities – Conditions for the granting of Tariff Preferences to Developing Countries*, Report of the Appellate Body (2004) [EU-India dispute] 122

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Trebilcock and Howse, Chapter 3

WTO, *Japan – Taxes on Alcoholic Beverages*, Edited Appellate Body Report (1996). 163

WTO, *European Communities – Measures Affecting Asbestos and Asbestos Containing Products*, Edited Appellate Body Report (2000), paras. 1-154. 176

5) Anti-Dumping Laws

Trebilcock and Howse, Chapter 8

WTO, *United States - Continued Dumping and Subsidy Offset Act of 2000*, Appellate Body Report Summary (2002). 208

WTO, *United States - Continued Dumping and Subsidy Offset Act of 2000*, Recourse to Arbitration by the United States under DSU Article 22.6 Summary (2004). 224

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Trebilcock and Howse, Chapter 9

Andrew Green and Michael Trebilcock, "Enforcing WTO Obligations: What Can We Learn From Export Subsidies?" (2007) 10 *Journal of International Economic Law*: 653-83. 239

Certain Softwood Lumber Products from Canada, Decision of the Binational Panel of Remand (1993) 270

Certain Softwood Lumber Products from Canada, Extraordinary Challenge Committee (1994), views of Dissenting Member Wilkey 289

"Indepth: Softwood Lumber Dispute," *CBC News Online* (28 April 2006), http://www.cbc.ca/news/background/softwood_lumber/. 294

WTO, *United States - Subsidies on Upland Cotton*, Appellate Body Report Summary (2004). 299

Brendan McGivern, *WTO Appellate Body Report: United States – Subsidies on Upland Cotton*, Summary (2008). 328

VOLUME 2

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Trebilcock and Howse, Chapter 10

A. Sykes, "The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute" 2004 7 *Journal of International Economic Law* 523. 1

WTO, *United States – Safeguard Measures on Imports of Fresh, Chilled, and Frozen Lamb Meat from New Zealand and Australia*, Report of the Appellate Body (2001) 26

8) Trade in Agriculture

Trebilcock and Howse, Chapter 11

Masayoshi Honma, "Agricultural Issues in the Doha Development Agenda" 79

Negotiations,” in *The WTO in the Twenty-First Century: Dispute Settlement, Negotiations and Regionalism in Asia* (Cambridge: WTO/Cambridge University Press, 2007): 328-40.

Tracey D. Epps and Michael J. Trebilcock, “Special and Differential Treatment in Agricultural Trade: Breaking the Impasse” (June 11, 2008). 86

9) Trade in Services

Simon Lester and Bryan Mercurio with Arwel Davies and Kara Leitner, *World Trade Law: Text, Materials and Commentary* (Portland: Hart Publishing 2008), 597-631. 140

WTO, *GATS — Fact and Fiction* (2001), a booklet published by the WTO Secretariat 159

WTO, *United States - Measures Affecting the Cross-Border Supply of Gambling and Betting Services: Recourse to Article 21.5 of the DSU by Antigua and Barbuda*. Report of the Appellate Body, sections 1-2.2, 6. 175

10) Trade-Related Intellectual Property Rights (TRIPS)

Trebilcock and Howse, Chapter 13

WTO, *Canada-Patent Protection of Pharmaceutical Products*, Report of Panel (2000) 210

WTO – “Declaration on the TRIPS Agreement and Public Health,” Ministerial Declaration, WT/MIN (01)/DEC/W/2, 14 November 2001 240

WTO – “Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health,” Decision of the General Council, WT/L/540, 8/30/2003 242

Alan Sykes, “TRIPS, Pharmaceuticals, Developing Countries and the Doha ‘Solution,’” *Chicago Journal of International Law* 3 (2002): 47-68 247

Peter Drahos and John Braithwaite, *Information Feudalism* (New York: New Press, 2003) 5-13, 61-73, 137-149. 259

VOLUME 3

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Trebilcock and Howse, Chapter 14

Stephen Clarkson, “Systemic or Surgical? Possible Cures for NAFTA’s Investor-State Dispute Process,” *Canadian Business Law Journal* 36 (2002): 368-87 1

Julie Soloway, “NAFTA’s Chapter 11: Investor Protection, Integration, and the Public Interest” in John Kirton & Peter Hajnal, eds., *Sustainability, Civil Society and International Governance: Local, North American and Global Contributions* 11

(Ashgate: Hampshire 2006): 137-176.

Chris Tollefson, “NAFTA’s Chapter 11: The Case for Reform” in John Kirton & Peter Hajnal, eds., *Sustainability, Civil Society and International Governance: Local, North American and Global Contributions* (Ashgate: Hampshire 2006): 177-190. 31

Howard Mann, “The Final Decision in *Methanex v. United States*: Some New Wine in Some New Bottles,” *International Institute for Sustainable Development* (August 2005). 38

12) Trade, Health and Safety

Trebilcock and Howse, Chapter 7

Tracey Epps, “Reconciling Public Opinion and the WTO Rules Under the SPS Agreement” (2008) 7 *World Trade Review*: 359-92. 53

WTO, *EC Measures Concerning Meat and Meat Products (Hormones)*, Report of the Appellate Body (1997). 87

Brendan McGivern, “WTO Appellate Body Report: United States – Continued Retaliation in the Hormone Dispute,” (October 2008). 141

WTO, *European Communities – Measures Affecting Asbestos and Asbestos Containing Products*, Edited Report of the Appellate Body (2000), paras. 155-193. 148

WTO, *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, Edited Report of the Appellate Body (2006). 158

13) Trade and the Environment

Trebilcock and Howse, Chapter 16

WTO, *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, Edited Report of the Appellate Body (1998). 183

WTO, *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, Recourse to Article 21.5 of the DSU by Malaysia (2002), paras. 1-11 and 79-154. 220

WTO, *Brazil – Measures Affecting Imports of Retreaded Tyres*, Report of the Appellate Body (2007). 258

Joost Pauwelyn, “U.S. Federal Climate Policy and Competitiveness Concerns: The Limits and Options of International Trade Law” Working Paper No. 07-02, Nicholas Institute for Environmental Policy Solutions at Duke University, April 2007. 322

Appendix

The General Agreement on Tariffs and Trade

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